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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Working Group on the Right to Development on its first session

Chairman-Rapporteur: Mr. Mohamed Ennaceur (Tunisia)

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Part One

Introduction

1. The adoption by the General Assembly of the Declaration on the Right to Development, by its resolution 41/128 of 4 December 1986, was a landmark in the fields of both human rights and development. According to the Declaration, "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development" - a concept which since that time has gained increased importance.

2. Following the adoption of the Declaration on the Right to Development, the Commission on Human Rights has continuously emphasized the need to implement it. In its resolution 1987/23, the Commission agreed that future work on the question of the right to development should proceed step by step and in stages. It requested that, as a first step, the Declaration on the Right to Development should be circulated to all Governments, United Nations organs and specialized agencies and other governmental as well as non-governmental organizations, inviting them to offer their comments and views on the implementation of the Declaration.

3. By the same resolution the Commission on Human Rights directed the Working Group of Governmental Experts on the Right to Development, established pursuant to its resolution 36 (XXXVII) of 11 March 1981, to study the replies received and to submit to the Commission, at its forty-fourth session, its recommendations for the further enhancement and implementation of the Declaration, at the individual, national and international level, as well as to consider further recommendations to the Commission and practical measures to implement the Declaration on the Right to Development, including specific proposals concerning future work.

4. In the same year, the Working Group on the Right to Development, at its tenth session, acknowledged that "in promoting the right to development, in addition to the obligation to encourage a greater awareness of the Declaration by the appropriate dissemination and popularization of its provisions, the identification of the various obstacles that may thwart the efforts of States and the international community in this field must not be neglected".

5. By its resolution 1988/26 the Commission on Human Rights once again requested Governments, United Nations organs and specialized agencies and other governmental as well as non-governmental organizations to offer their views on the implementation of the Declaration and its further enhancement.

6. During its twelfth session in 1989, the Working Group on the Right to Development proposed that a global consultation should be held on the realization of the right to development, involving representatives of the United Nations system and its specialized agencies, regional intergovernmental organizations and interested non-governmental organizations, including those active in development and human rights, to focus on fundamental problems posed by the implementation of the Declaration and the criteria which might be used

to identify progress and possible mechanisms for evaluating such progress. It also proposed that a questionnaire be transmitted to Governments, United Nations organs and specialized agencies as well as to other governmental and non-governmental organizations, including those active in development and human rights, to elicit from them specific views on the implementation and further enhancement of the Declaration on the Right to Development.

7. These proposals were endorsed by the Commission in its resolution 1989/45. The Global Consultation on the Right to Development as a Human Right was convened at Geneva in January 1990 and arrived at a number of substantive conclusions and recommendations which are pertinent to the mandate of the Working Group at its present session (E/CN.4/1990/9/Rev.1, paras. 161-169). In the same year, the Secretary-General prepared a report to the Commission at its forty-sixth session on the basis of the information received in reply to the questionnaire (E/CN.4/1990/33).

8. Following the Global Consultation, the right to development continued to be discussed by both the General Assembly and the Commission on Human Rights. Pursuant to Commission on Human Rights resolution 1990/18, a comprehensive report was prepared by the Secretary-General containing the views of Governments and United Nations organs and specialized agencies and other governmental as well as non-governmental organizations on the recommendations of the Global Consultation (E/CN.4/1991/12 and Add.1). Pursuant to Commission resolution 1991/15, the Secretary-General submitted a report on the effective implementation of the Declaration on the Right to Development (E/CN.4/1992/10). Pursuant to Commission resolution 1992/13 the Secretary-General prepared a report containing proposals for the effective implementation and promotion of the Declaration (E/CN.4/1993/16). In his report, the Secretary-General not only addressed obstacles to the implementation of the right to development (paras. 21-23), but also made proposals on the effective implementation of the Declaration on the Right to Development, both at the national (paras. 30-33) and the international level (paras. 34-36). The report also reflects on the criteria to measure progress in the realization of the right to development (paras. 24-29) and on a supervisory mechanism (paras. 37-42).

9. The year 1993 constitutes another landmark in the field of the right to development. Firstly, the right to development was reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference of Human Rights by all States as a universal and inalienable right and an integral part of fundamental human rights.

10. Secondly, the Commission on Human Rights, in its resolution 1993/22, reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development, decided to establish, initially for a three-year period, a working group on the right to development, composed of 15 experts nominated by Governments to be appointed by the Chairman of the Commission on Human Rights at its forty-ninth session, on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States.

11. The Commission requested the working group to submit to it at its fiftieth session an initial, comprehensive report on the obstacles affecting the implementation of the Declaration and to continue reporting to the Commission, on a yearly basis, on its work.

12. The present report describes the proceedings of the first session of the Working Group on the Right to Development.

Opening and duration of the session

13. The first session of the Working Group on the Right to Development was held at the Palais des Nations, Geneva, from 8 to 19 November 1993 and was opened by Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights. The Working Group held 18 plenary meetings, as well as one private meeting.

Composition of the Working Group and attendance

14. The Working Group on the Right to Development at its first session consisted of the following 15 experts: Mr. Mohamed Ennaceur (Tunisia), Mr. Alexandre Farcas (Romania), Ms. Ligia Galvis (Colombia), Mr. Stuart Harris (Australia), Mr. Stéphane Hessel (France), Mr. Serguei Kossenko (Russian Federation), Mr. Osvaldo Martínez (Cuba), Mr. Niaz A. Naik (Pakistan), Mr. D.D.C. Don Nanjira (Kenya), Mr. H. Pedro Oyarce (Chile), Mr. Pang Sen (China), Mr. A. Rimdap (Nigeria), Mr. Allan Rosas (Finland), Mr. Haron Bin Siraj (Malaysia), Mr. Vladimir Sotirov (Bulgaria).

15. Mr. Martínez and Mr. Pang did not attend the first session. Mr. Sotirov and Mr. Naik joined the Group on 10 and 15 November, respectively. Mr. Nanjira attended from 8 to 15 November. Mr. Harris attended from 8 to 18 November.

Election of officers

16. At its first meeting, the Working Group elected the following officers:

Chairman-Rapporteur:	Mr. Mohamed Ennaceur (Tunisia)
Vice-Chairmen:	Ms. Ligia Galvis (Colombia)
	Mr. Stéphane Hessel (France)
	Mr. D.D.C. Don Nanjira (Kenya)

Observers

17. A list of experts and representatives of States, United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations who attended the session as members can be found in annex III.

Adoption of the agenda

18. The Working Group adopted the agenda for its first session on the basis of the provisional agenda (E/CN.4/AC.45/1993/1). The agenda as adopted is contained in annex IV.

Documentation

19. A list of documents before the Working Group at its first session can be found in annex V.

Organization of work

20. The mandate entrusted to the Working Group by Commission on Human Rights resolution 1993/22 was in two parts: to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development.

21. As the Working Group was requested to report to the Commission on the obstacles affecting the implementation of the Declaration, the Working Group decided to focus on the first aspect of its mandate, although it sensed that it was difficult to make a distinction between the first and the second parts of the mandate as well as to separate a debate on obstacles from one addressing the contents of the right to development and other conceptual issues. The Working Group also took into account the wording of paragraph 72 of the Vienna Declaration and Programme of Action in which the Working Group was requested to promptly formulate, for early consideration by the General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and the realization of the Declaration on the Right to Development and recommending ways and means towards the realization of the right to development by all States.

22. The Working Group, in its organization of work, took into account the outcome of relevant meetings that had been held at the international level such as the United Nations Conference on Trade and Development VIII (1992), the United Nations Conference on Environment and Development (1992) and the World Conference on Human Rights (1993). It also took into account relevant forthcoming meetings such as the International Conference on Population and Development (Cairo, 5-13 September 1994), the World Summit for Social Development (Copenhagen, 11-12 March 1995) and the Fourth World Conference on Women (Beijing, 4-15 September 1995).

Methodology

23. In order to perform the tasks entrusted to it the Working Group took as a basis the documents prepared by the secretariat. Updated information sent by Governments and non-governmental organizations was not available. The Group devoted the first sessions to defining a methodology for its work and exchanging views on fundamental concepts relating to the right to development and the key aspects that should be covered by the statements of the international organizations which expressed an interest in participating in its work. The second phase of the work was devoted to a dialogue with the international organizations that were present and a general debate on an initial approach to the obstacles hampering the application of the Declaration on the Right to Development.

Major developments since the adoption of the Declaration on the Right to Development

24. The Working Group reviewed the profound changes that had taken place in the world and the favourable climate in international relations established after the elimination of the East-West confrontation which, in its view, had opened vast opportunities and created new challenges for democracy and development in the world. It seemed to the Working Group that a "sense of common global responsibility" had emerged which not only comprised a growing consensus on human development, but also increased attention to respect for human rights as well as for the environment. Prospects were said to have improved for maintaining peace and security, strengthening multilateral cooperation and reducing armaments and military expenditures. It was thought that the widening of the democratic process, the pursuance of more efficient economic policies and the increased awareness of and respect for human rights and fundamental freedoms, as manifested by an unprecedented number of ratifications of human rights covenants and conventions, were increasing rapidly.

25. Conversely, one can only note with regret the failure by many States to observe internationally-recognized human rights standards and, in particular, the right of self-determination, the rule of law, the right to participation in fundamental economic, social and cultural rights, and the principle of non-discrimination. That situation had manifested itself in serious and systematic violations of human rights, increased ethnic conflicts, aggressive nationalism, acts of racism, racial and other discrimination, xenophobia, religious intolerance, hatred and violence, substantial population movements, the phenomenon of refugees and displaced persons, inadequate protection of vulnerable groups, and inadequate participation of women, minorities and indigenous peoples.

26. Other factors such as the deterioration of the terms of trade for the developing countries, the increase in the debt burden, the reduction in the purchasing power of these and other countries, and the decrease in the percentage of GDP spent on official development assistance were impeding realization of the right to development.

27. Generally speaking, the situation all over the world was, regrettably, characterized by the deterioration in the living standards of very broad strata of the population, increased illiteracy, malnutrition, unemployment and extreme poverty, a widening gap between rich and poor, and even further marginalization of the poorest. The Working Group also expressed concern at the deterioration of the environment and the social situation throughout the world, which is affecting the daily lives of hundreds of millions of people.

28. The Working Group shared the feelings of the Special Rapporteur on the realization of economic, social and cultural rights, who, in his final report (E/CN.4/Sub.2/1992/16, para. 38), stated the following:

> "Despite the ratification by 106* countries of the Covenant on Economic, Social and Cultural Rights, the discouraging fact remains that over 1 billion people live in absolute poverty, some 180 million children suffer from serious malnutrition, 1.5 billion persons are deprived of primary health care and a safe water supply, 2 billion individuals lack safe sanitation and over 1 billion adults cannot read or write. While these dismaying statistics can in no way reveal fully the personal, family and community tragedies each represents, the clear global tendency shows these numbers escalating, not decreasing."

29. The Working Group felt that it was all the more urgent to reach a better understanding and acceptance of the concept of the right to development as a universal and inalienable fundamental human right. After the adoption of the Declaration on the Right to Development in 1986, several important events had taken place which had helped to further understanding of the contents of the right to development: the United Nations Conference on Trade and Development VIII which, by its Cartagena Commitment, had committed itself to a new partnership for development, explicitly referring to respect for human rights, democratization processes and sustainable development; the Rio Declaration on Environment and Development adopted by the United Nations Conference on Environment and Development, whose principle 3 underlined the need to fulfil the right to development so as to equitably meet developmental and environmental needs of present and future generations, and the World Conference on Human Rights, which in part I, paragraph 10, of the Vienna Declaration and Programme of Action, reaffirmed the universal and inalienable character of the right to development.

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* One hundred and nineteen at the time of drafting of the present report.

I. CONCEPTUAL FRAMEWORK

30. The Working Group first tried to define the conceptual framework in which it was called upon to discharge its mandate. It noted that the Declaration on the Right to Development had incorporated a number of principles contained in the Charter of the United Nations (Arts. 55 and 56) and in the two International Covenants, on Civil and Political Rights and on Economic, Social and Cultural Rights.

31. The Declaration on the Right to Development highlights, in particular, the interdependence, indivisibility and universality of human rights. It draws attention to the complementarity of the efforts to be made at the national and international levels for the purpose of the realization of the right to development. It places participation among the fundamental elements of the right to development.

32. The Working Group recalled that article 1 of the Declaration on the Right to Development defines the right to development as "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized".

33. It also took into account the elements to be found in the report prepared by the Secretary-General on the Global Consultation on the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1). Likewise, the Working Group took into account the importance of the right to effective participation in all aspects of development and at all stages of the decision-making process; the right to equal opportunity and access to resources; the right to a fair distribution of the benefits of development; the right to respect for civil, political, economic, social and cultural rights, and the right to an international environment in which all these rights can be fully realized.

34. The Working Group also took into consideration the contribution of the Vienna Declaration and Programme of Action of 23 June 1993 which represents an international consensus on the right to development as a universal and inalienable right and an integral part of fundamental human rights. In the opinion of the Working Group, this confirmation has removed a major political obstacle to the implementation and realization of the Declaration on the Right to Development. It took also into account the wording of part I, paragraph 10, of the Vienna Declaration, which reaffirms that development facilitates the enjoyment of all human rights while the lack of development may not be invoked to justify the abridgement of internationally recognized human rights.

35. The Working Group considered that the right to development comprises the rights of individuals, groups and peoples to participate in, contribute to and enjoy the benefits of:

(a) Economic development (including terms of production and equitable distribution of income);

(b) Social development (including the right to work, health and education, adequate shelter and food);

(c) Cultural development (including respect for cultural identity);

(d) Political development (including strengthening of democracy through, in particular, participation of individuals, groups and people in the decision-making process);

(e) Technological development;

(f) Development guaranteeing all parties the right to a healthy environment in a framework of sustainable development.

36. The Working Group agreed it was imperative that particular attention should be paid to the situation of indigenous peoples and women, who account for over 50 per cent of the world's population. These two population groups unquestionably have a crucial role to play in realization of the right to development.

37. The Working Group agreed that the right to development must be considered in all its economic, social, political and cultural dimensions.

38. It was the view of the Working Group that the players involved in the right to development interact at the national, regional and international levels. At the national level, the players are:

(a) States, as entities responsible for creating the conditions and taking measures for the realization of the right to development;

(b) Individuals, groups and peoples, as beneficiaries of the right to development and as participants in its realization;

(c) The institutions of society and non-governmental organizations, as catalytic elements in the realization of the right to development.

At the regional level, the players are the regional institutions. At the international level they are the United Nations organizations and specialized agencies concerned with the right to development and the intergovernmental organizations and international financial institutions.

II. IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AT THE NATIONAL LEVEL: POPULAR PARTICIPATION

39. In considering the question of the implementation of the right to development at the national level, the Working Group directed its first thoughts to popular participation, which constitutes a priority requirement for implementation of the right to development.

40. The term as such is used as a key element in the definition of this right from the standpoint of its beneficiaries and as a priority duty of States in the formulation of appropriate national development policies: the purpose of

such policies must be the constant improvement of the well-being of the whole population and all individuals, on the basis of their active, free and significant participation in development.

41. A whole series of formulations are used by United Nations bodies in referring to this concept, such as "participatory development", "democratic government", "human freedom", "good management", "respect for human rights", etc. This diversity of wording reveals an increased awareness of human rights. However, in order to ensure that the concept of participation is used constructively, it should be more clearly spelt out, on the basis of the terms used in the Declaration itself, with a view to a coordinated effort by all those concerned in the implementation of the right to development.

42. All human rights are universal, indivisible, interdependent and intimately linked. It is generally admitted that popular participation concerns only the national level in the implementation of the right to development. However, the question of popular participation may extend to the international sphere and affect aspects such as the right of self-determination or the progressive democratization of international relations, to which thought will have to be given.

43. Popular participation is a multifaceted concept. It is generally referred to as:

(a) A right guaranteed by national legislation;

(b) Being among the rights recognized in the various areas of civil and political life;

(c) Among the rights recognized in the various areas of economic, social and cultural life.

44. States have a responsibility to promote popular participation through recognition of civil, political, economic, social and cultural rights in national legislation, in accordance with the International Covenants on Human Rights. The Vienna Declaration and Programme of Action urged all States to accede to all the international instruments in this area.

45. In accordance with the threefold theme "Democracy - Development - Human Rights", the international community adopted, by consensus at the World Conference on Human Rights, an approach that should lead to a minimum set of rules concerning popular participation, which must be observed by States subject to the rule of law in their conduct consistent with the principle of the equal rights and self-determination of peoples, who thus benefit from a Government representing the whole population living on its territory, without distinction of any kind.

46. With a view to exercising their responsibilities in the implementation of the rights recognized by appropriate mechanisms, States need not only political will, but also the resources and capacities required to ensure the proper functioning of those rights.

47. States have a responsibility to ensure an appropriate climate in their societies for the observance of all human rights. The awareness of human rights by all individuals must be secured by making available continuing education for children and adults, and through the promotion of voluntary work in this area, in particular through legal guarantees for the non-governmental organizations and associations established within society.

48. In a climate respectful of human rights, in which there is social dialogue based on the adequate dissemination of knowledge for the purpose of participation in public decision making, individuals must shoulder their responsibilities as informed and committed members of their society.

49. The Working Group wishes to emphasize that the list of elements above relating to the definition and presentation of popular participation is not exhaustive and may usefully be supplemented in due course.

III. IMPLEMENTATION OF THE RIGHT TO DEVELOPMENT AT THE INTERNATIONAL LEVEL

50. The obstacles to the implementation of the Declaration on the Right to Development and the exercise of the right to development are many and varied and, more often than not, interdependent. This makes identifying and eliminating them a long and complex business.

51. It is one of the Working Group's tasks to determine how the Declaration on the right to development could be effectively implemented and included in the human rights and development process at the international level. A numbe of institutional obstacles have been identified in that respect.

52. While the existence of an organic link between cooperation at the international and national levels is beyond question, it is worth emphasizing that the earliest references to the principle of international cooperation for the implementation of the right to development are Articles 1 and 55 of the Charter of the United Nations.

53. Nowadays such cooperation has still more chance of becoming a reality given the changes under way in the world, the common perception of economic interdependence and the promotion of partnership for development.

54. It is generally acknowledged that the success of national efforts to implement the Declaration on the Right to Development would be greatly enhanced by successful international cooperation, not only in the economic sphere but in other spheres as well.

55. The more it becomes possible to overcome at the international level certain obstacles arising from such questions as the general recession, the problem of over-indebtedness, trade barriers, environmental issues, technology transfer, international investment, inadequate partnership for development, and demographic phenomena, namely the difficulties resulting from population pressure, uneven demographic structures and migratory flows, the greater will be the effect of action at the national level.

56. The members of the Working Group are, of course, aware that all the aforementioned problems can only be resolved, whether in part or in full, through increased international cooperation, because of the interdependence which prevails in virtually all spheres. In this regard, they referred to the statements by representatives of two international organizations who emphasized the reduction in the margin of autonomy available to Governments in deciding their national development policies.

57. The right to development is a right of every individual, every group and every people, regardless of the countries in which they live. It is also a right that is based on the universality, indivisibility, interdependence and non-hierarchical nature of human rights.

58. The realization of the right to development is intimately linked to the questions of human rights and development. Consequently, the Group feels that the promotion of the right to development and the shaping of new attitudes by appropriate education in the right to development is important for the genuine realization of the right.

59. On the basis of these presumptions, the Working Group thought it was necessary to draw up an action plan or a set of implementing mechanisms based on the fact that the right to development reflects a raising of the standards of the international community. Methods should be developed to make these standards as precise as possible so as to assist Governments and other international actors in their commitment to incorporate the right to development into their international activities.

60. The Working Group also underlined that an effective incorporation of the right to development into such activities could lead to significant progress, but much depended on cooperation and consensus. To achieve such cooperation, the Working Group identified five major requirements. First, there is a need to promote greater knowledge and understanding of the Declaration on the Right to Development. Second, clearer principles are to be developed for the definition and assessment of the implementation of the right to development. Third, particular attention should be paid to cooperation between institutions, especially between the NGOs dealing with human rights and those dealing with development issues. Fourth, a system should be devised for effective reporting on the incorporation of the right to development into development activities. Fifth, efficient machinery must be created to facilitate the implementation of the right to development.

61. With respect to the third of these points, international cooperation between institutions through the United Nations system, the United Nations Secretary-General noted, in his report to the Vienna Conference, a lack of coordination and communication between the various players. The fact is that coordination between institutions implies cooperation between agencies which wish to maintain their freedom of action but whose activities have a common goal. The question of coordination or cooperation could usefully be subjected to careful study at the inter-agency meetings already provided for within the United Nations system. The Working Group recommends strengthened cooperation with and between the international and regional institutions.

62. Concerning the fourth point, the Working Group acknowledges the need to set priorities, define its goals clearly, and coordinate its work with work going on elsewhere in this area on evaluation criteria and social indicators. Evaluation criteria must be objective and take account of all dimensions of the right to development. The Group emphasized the need to make the concept of the right to development operational within the activities of the international organizations.

63. In addition, the Working Group recognized the importance of transnational corporations, as well as the private sector as a whole, and the contribution that they could make towards the realization of the right to development. In this regard, cooperation between the public and private sectors is to be encouraged.

Part Two

IV. OBSTACLES TO THE REALIZATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

64. The Working Group did not have sufficient time to consider this chapter of the draft report, which has therefore been included as a separate part for consideration at a future session.

65. The Working Group first considered the various documents produced by the secretariat and singled out indications of obstacles to the implementation of the right to development as a human right as set forth in the report of the Secretary-General to the Global Consultation (E/CN.4/1990/9/Rev.1), namely:

(a) Failure to respect the right of peoples to self-determination and their right to permanent sovereignty over natural resources;

(b) Massive and flagrant violations of human rights;

(c) Disregard for human rights and fundamental freedoms;

(d) Failure to implement and respect democratic principles;

(e) Adoption of inappropriate or destructive development strategies whereby human rights were sometimes sacrificed in order to achieve economic development;

(f) Transfer of control of resources located in developing countries to interests in developed countries;

(g) Failure to take into account the principles of the right to development in agreements on external debt repayment and structural adjustment;

(h) The concentration of economic and political power.

66. It also took note of the obstacles to the implementation of economic, social and cultural rights as set forth in the final report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), which listed a number of elements that, taken together, explained at least in part what it was that hampered the enjoyment of such rights, namely:

(a) Structural adjustment;

(b) Debt;

(c) Misconceptions of the State;

(d) Economic growth regarded as a panacea;

(e) Relative capacity of the market economy to promote the realization of all human rights;

(f) Erroneous perception of development;

(g) Insufficient political will;

(h) Devastation of the environment;

(i) Size of military expenditure and existence of armed conflicts;

(j) Existence of a dualist view of human rights.

67. After an exchange of views on these obstacles and their relations with the subject of this report, the Working Group gave a hearing to the representatives of the international agencies who had participated in its work. Their statements are summarized below.

68. The representative of the United Nations Conference on Trade and Development (UNCTAD) outlined the main results of UNCTAD VIII, placing them in the perspective of the right to development. He described the effects on development of the changed international climate, characterized by growing globalization and interdependence. Economic processes had become more and more complex, there had been a diversification of players and above all their role and responsibilities had changed.

69. The phenomenon of accelerated globalization had opened up new opportunities in terms of respect for human rights, democratization, economic performance and awareness of global problems, such as the environment. At the same time, the strong volatility of the world economy had not only reinforced the already existing obstacles to development, such as debt, unequal access to markets and a fall in prices of raw materials, but had also led to the appearance of new obstacles such as the reduction of States ability in terms of economic development policy to control their economic growth, lack of predictability at the conjunctural level, which seriously hampered the implementation of development strategies, and the further marginalization of already marginalized groups and countries.

70. The Cartagena Commitment, which had been adopted by UNCTAD VIII, had laid the foundations of a new partnership for development based on recognition of the sovereign equality, mutual interests and shared responsibilities of States. That Commitment raised hope and it was for the developed countries, in the context of growing interdependence of the economy, to create a global economic environment favourable to accelerated and sustainable development.

71. The representative of UNCTAD referred, in that connection, to the United Nations Conference on Least Developed Countries (LDCs), which had taken place in 1990 and where the words "partnership for development" had been adopted for the first time by the whole of the international community in the context of a Programme of Action for those countries. Although a majority of them had carried out structural changes, the donor countries had not yet given them the expected support and had to be regularly reminded of the commitment made in that partnership with the LDCs.

72. During UNCTAD VIII, the participants had been in general agreement on the need for: economic reforms to promote sustained economic growth; social

reforms to ensure an authentic development process; establishment of democratic structures and ensuring respect for human rights, a sine qua non for an equitable legal system; tackling global problems, such as the environment, migration and the process of marginalization; ensuring sustainable development; coordinating the economic and financial policies of countries which had the greatest weight in the world economy; adopting specific measures in support of the most vulnerable countries.

73. One of the most important conclusions of the Conference had been the appeal for a partnership for development in which developed and developing countries would undertake, in a framework of growing interdependence and joint responsibility, to establish sensible national development policies and an international climate conducive to sustainable and accelerated development. Such cooperation would restore an appropriate balance between concern for economic efficiency and the need for justice and social equity.

74. The representative of the World Health Organization (WHO) listed a number of obstacles, of which the following were the most important:

(a) The ageing of the world's population, which was leading to a deterioration of the quality of life;

(b) Lack of access to education for women;

(c) Malnutrition linked to poverty;

(d) The problem of AIDS and the fact that, in some countries, preventive measures may not be accepted for cultural reasons;

(e) Privatization of health care, which in some cases led to that care being available only to the rich;

(f) The influence of TNCs on the pharmaceutical industry, which disrupted local processes, and the profit-oriented character of industrial research in the medical field;

(g) Lack of transfer of knowledge and experience from one country to another.

75. The representative of the International Labour Organisation (ILO) stated that, although the Declaration on the Right to Development had not been explicitly acknowledged in its work, many of its ongoing programmes reflected some aspects of the pith and substance of the Declaration. ILO, in its technical assistance programmes, focused on three areas which were all relevant to the work of the Working Group: freedom of association, freedom of discrimination and protection of labour. Obstacles to realization of the right to development included lack of access by large sectors of the population to the means of production, and unequal opportunities for development. One of the unique aspects of ILO's work was in the area of affirmative action in relation to racial and sexual discrimination.

76. The representative of the United Nations Fund for Population Activities stated that the common thread that ran through all three areas of its work -

birth, migration and death - was the freedom of choice of the individual. However, that was not an unqualified right and problems had arisen in all three areas, where the individual's choice had come into conflict with the interest of the community. A number of obstacles to the right to development could be identified, the most important being:

(a) Lack of knowledge of family-planning techniques and the problems associated with abortion;

(b) Migration of ill-equipped persons to countries ill equipped to receive them;

(c) Drain of qualified personnel from countries that can ill afford to lose them;

(d) Ageing of the world's population;

(e) Low investment of States in health;

(f) Cultural inertia and absence of political will to promote the rights and values related to development;

(g) Primacy of quantitative objectives over the qualitative objectives of development.

77. The representative of the United Nations Development Programme stated that his organization worked fully in the spirit of the Declaration on the Right to Development, especially where it declared the human person to be the central subject of development and regarded his participation as essential. As UNDP was the sole United Nations organization dealing with development per se, it played a central role in assisting countries in formulating their development strategies.

78. At the operational level, UNDP activities focused on facilitating access to resources, education, wealth, food, housing and employment. In UNDP's view, human development also encompassed financing such development, addressing inequalities in income distribution and encouraging popular participation. UNDP had also started profile studies of various countries, studies which could assist in formulating human development strategies at the national and regional levels and thus implementing the Declaration on the Right to Development.

79. As obstacles to development, he identified the misunderstanding of development in political circles, national administrations, the media and the public at large. Development should be understood as the number of families having shelter or the number of children enrolled in school or the number of doctors per head of population, in other words, the satisfaction of basic needs.

80. The representative for the United Nations High Commissioner for Refugees stated that the worldwide refugee population was estimated at 18 million, while there were an estimated 24 million displaced persons, of whom the overwhelming majority were women and children. Movements of such vast numbers

of persons could be seen as an obstacle to development, because it was often disregard for human rights which generated refugees and migration. Mass movements also had serious consequences for both the country of origin (loss of human resources) and for the receiving country.

81. The representative of the United Nations Environment Programme (UNEP) stated that, in her view, the lack of a clean environment, the mismanagement of natural resources, the failure to have global commons and the lack of political will on the part of Governments to implement relevant treaties inevitably had negative repercussions on the right of peoples to develop and therefore constituted obstacles to the right to development.

82. She further stated that the global partnership for sustainable development advocated by agenda 21 was closely related to the question of the right to development, for that right could not be viewed outside the environment where it would be exercised, whether political, social, economic or physical. As an important obstacle to development she further cited non-respect for the sovereign right of States to exploit their own resources pursuant to their own environmental policy. Although the Declaration on the Right to Development had not been referred to in UNEP's programmes, they were inspired by its principles.

83. The representative of the United Nations Centre for Human Settlements (Habitat) stated that 1 billion people worldwide did not have adequate shelter and 100 million people had no shelter at all. Habitat in its programmes attempted to provide access to adequate housing for all and basic services such as water supply, garbage collection and sewerage. He expressed concern about the fact that two thirds of the world's population lived in urban areas and that proportion was likely to increase, giving rise to the problem of urban poverty.

84. Only recently had Habitat realized the human rights aspects of its work, but increasingly importance was being attached to fostering the right to adequate housing. Habitat opposed the policy of forced eviction of slum-dwellers on the ground of competing land-use interests. Security of tenure, in his view, was the best protection that Governments could offer as an immediate step towards ensuring adequate shelter for all.

85. The representative of the International Monetary Fund (IMF) stated that economic progress depended on implementation of an effective development strategy rooted in a global trading system. Quality growth depended on the structure of the economy, which in case of inadequacy, required structural adjustment. Privatization could be seen as a method of relaxing the hold of vested interests and was only useful if it led to a distribution of wealth.

86. Lastly, the representative of UNCTAD said he was convinced that the successful implementation of the right to development necessitated the involvement of many and varied players. In particular, it was essential that, beside the State and the market, the movements representing communities and other active forces within society should have the necessary scope to play their role fully. It was therefore important to seek positive interaction between the State, the market and society, each contributing to the full

realization of the right to development in accordance with it respective role and responsibility.

87. The Working Group also gave a hearing to representatives of certain non-governmental organizations which had chosen to make a contribution. Their statements are summarized in the following paragraphs. The representative of the International Council of Voluntary Agencies emphasized that the implementation of the Declaration on the Right to Development required, at the international level, an economic and social order based on sovereign equality, interdependence, mutual interest and cooperation among all States. However, the Declaration was incomplete because it included no reference to the responsibility of other players besides States, in particular transnational corporations and multilateral agencies, and did not underline the need for international political and legal institutions responsible for ensuring the effective implementation of, respect for and punishment of violations of, the right to development. He suggested the establishment of a council on economic, social and cultural security and for the environment, with powers similar to those of the Security Council, to be responsible for global issues relating to the right to economic, social and cultural development that was environmentally sustainable.

88. The representative of the Women's International League for Peace and Freedom felt that the structural adjustments imposed on the developing countries had resulted in restrictions on the resources allocated to activities in the health, education and social service sectors. One consequence of such measures had been the death of 6 million children under five in Africa every year since 1982. To ensure that development could proceed, external debt should be written off, production should be reoriented towards the satisfaction of vital human needs, military expenditure should be cut, and weapons production and the arms trade should be halted. While she supported the proposals made by the United Nations Secretary-General in his report to the Global Consultation, she emphasized the need to develop a global strategy in pursuit of progress in the implementation of the right to development and the formulation of criteria for evaluating such progress.

89. The representative of the American Association of Jurists drew the attention of the Working Group to document A/CONF.57/PC/63/Add.8, in which the organization had postulated that development was not a problem concerning only the developing countries but the entire international community because of the interdependence of all nations. As for obstacles to the realization of the right to development, the organization referred to the policies of international financial institutions, the role of banks and transnational corporations, as well as the oligopolistic management of the media and information technology. It also referred to the redistribution of income as a way of overcoming obstacles. On the issue of indicators of development, the organization referred to a publication by the South Commission entitled Towards a New Way to Measure Development, in which the need to translate the new development paradigm (people-centred, sustainable and self-reliant) into operational terms, thereby transcending economic and monetary indicators, was emphasized.

90. The representative of the International Indian Treaty Council said that the situation of the indigenous peoples was an example of non-participation in

decisions in the area of development. The development of those peoples depended on respect for all their rights, including their laws, customs and traditions, and their degree of autonomy. He proposed that the Working Group should get in touch with organizations working in the field which were in direct contact with the players and knew the obstacles. He referred to a number of information sources which might be of interest to the Group, namely, the Declaration of San José on ethnocide and ethno-development (UNESCO), the conclusions and recommendations of Mr. Martínez Cobo, Special Rapporteur, contained in his "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/1986/7), and the conclusions and recommendations of the technical conferences held at Nuuk (E/CN.4/1992/42 and Add.1) and Santiago (E/CN.4/Sub.2/1992/31).

91. Instead of going through a new enumeration of the obstacles to the right to development, which could never be exhaustive, and in order to interpret its mandate in a dynamic way and to reach operational recommendations, the Working Group decided to make a preliminary attempt at placing these obstacles in four categories, as follows:

(a) One of the most important obstacles to implementation of the Declaration on the Right to Development is the existence of factors threatening international peace and security. Massive violations of human rights, including the right to development, have occurred and continue to occur in many parts of the world through armed conflicts, gross disregard of the rights of persons belonging to ethnic or other minorities, vast displacements of populations within or outside their country of origin, natural disasters, etc.;

(b) The right to development is violated whenever one of the basic economic, social and cultural rights listed in the Covenant is disregarded. It is the responsibility of all agents concerned - individuals, national, regional and international authorities - to find the reasons for such violations, which could vary considerably from one part of the world to another. In order to do away with them, efforts must be made to identify the root causes of these obstacles, none of which can, in most cases be remedied by one agent alone but require, in the light of past experience, new forms of partnership between the Governments of particularly, but not exclusively, developing countries and countries in transition, and their bilateral and multilateral partners;

(c) Although the recent worldwide gatherings, such as the Eighth United Nations Conference on Trade and Development in Cartagena (1991), the Rio Earth Summit (1992) and the World Conference on Human Rights in Vienna (1993), have considerably broadened the concept of development, which now includes such new concepts as forms of contractualism, environmental sustainability and the protection of future generations, as well as the interrelationship between human rights, democracy and development, it seems to the Group that a new set of obstacles to the realization of the right to development have arisen and need to be addressed. One such obstacle is the shortage of resources available to realise these ambitions. Others are the insufficient links, at the national and international levels, between economic development and its political, environmental, social and cultural consequences; ill-conceived role of the State in its relations with society

and its methods of government, and emergence of various forms of corruption; lack of income distribution; lack of participation in economic and political decision-making processes by the groups most directly concerned, notably women and members of minorities or other vulnerable groups; lack of concern for the social effects of economic and financial policies; misguided conception of development and economic growth as a panacea; and insufficient contribution by the non-governmental organizations and other constituents of society (the so-called intermediate structures) to the development process;

(d) The Group thus concludes that there is a common obstacle to realization of the right to development: the unsatisfactory functioning of the institutional mechanisms both at the governmental level and among the numerous agencies and programmes of the United Nations system. In both cases, problems which can only be handled seriously through the converging efforts of several institutions to achieve the common goals as set out in Articles 1 and 56 of the Charter of the United Nations, are now being dealt with separately and without sufficient account being taken by each of the ministries or agencies concerned of their relationship with each other.

92. The Group also considered that one of the obstacles hindering the implementation of the Declaration on Development was to be found in the behaviour of the agents and the perceptions of the decision-makers of development. That behaviour and those perceptions often derived from a one-dimensional view of development in which the economic dimension predominated to the detriment of the social and/or political dimension.

93. In such circumstances, any strategy to promote the implementation of the Declaration would benefit from being able to rely, inter alia, on an information and communication drive designed to provoke appropriate changes in the attitudes and behaviour of the parties concerned. The task would be all the harder since there was no model that could serve as a reference for a global development process in which economic, social, cultural and political objectives were tackled in a concomitant and coordinated fashion. Moreover, practice to date showed that some development objectives were often attained to the detriment of others.

94. Another obstacle to the implementation of the Declaration, flagged in the report of the Secretary-General on the Global Consultation on the implementation of the right to development as a human right caught the Working Group's attention. According to the report, the global consultation came to the conclusion that "lack of communication between specialists in human rights, social development and economics within the United Nations Secretariat, the United Nations Missions and national Governments, the academic community and non-governmental organizations, had impeded a full understanding of the Declaration on the Right to Development and its implementation."

95. This conclusion by the Global Consultation confirmed the Working Group in its belief that the performance of its mandate relating to the identification of obstacles to the implementation of the Declaration required more thoroughgoing exchanges with all agents of development, Governments, international agencies and non-governmental organizations, and its first report to the Commission on Human Rights at its fiftieth session could

therefore only represent one step towards a better understanding of the obstacles, giving rise to relevant recommendations on how to overcome them.

96. Concerning the first three categories (a), (b) and (c), the Working Group considered that these were closely interlinked and that better identification of the last category of obstacles (d) should lead to new operational proposals to overcome them.

97. The Working Group stressed that the reaffirmation of the right to development by all States during the World Conference on Human Rights had led to broader acceptance of the concept, a fact which had raised expectations of improved implementation of the Declaration on the Right to Development.

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

98. In addressing the obstacles to the implementation of the Declaration on the Right to Development, the Working Group noted that, in formulating its mandate, the Commission on Human Rights had, in paragraph 10 of its resolution 1993/22, requested the Working Group "To identify obstacles to the implementation and realization of the Declaration on the Right to Development" and "To recommend ways and means towards the realization of the right to development by all States", but had spoken in paragraph 11 only of "the obstacles affecting the implementation of the Declaration". The Group interpreted that difference as an indication of the preliminary nature of its first report, which must simply identify the obstacles to the implementation of the Declaration, it being understood that other reports would have to complete the identification of those obstacles and analyse them in greater detail with a view to formulating recommendations conducive to the application of the Declaration and the realization by all States of the right to development. The Group also took into account the urgent appeal of the World Conference on Human Rights contained in article 72 of the Vienna Declaration and Programme of Action, which "urges that the Working Group, in consultation and cooperation with other organs and agencies of the United Nations system, promptly formulate, for early consideration by the United Nations General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development and recommending ways and means towards the realization of the right to development by all States".

99. The Working Group also noted that the Global Consultation held in 1990 had located the obstacles to the realization of the right to development at the international and national levels and within the United Nations system, where the lack of coordination had been particularly mentioned.

100. Those findings had been confirmed by the Commission on Human Rights in its resolution 1993/22 and endorsed by the World Conference on Human Rights, which took the view that "lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level".

101. Those three reference documents can serve as guides for the Working Group's future work in the three fields of investigation for the purposes of identifying the obstacles to the implementation of the Declaration on the Right to Development, namely:

(a) At the national level, where several actors have been identified (i.e. Governments, associations, public opinion and individuals);

(b) At the international level, where there are other obstacles having to do with the global economic and political environment, including cooperation for development;

(c) At the level of the United Nations system, particularly as regards the strengthening of coordination.

102. At this first session, the Working Group considers that there was a wealth of documentation provided by the secretariat, which the experts did not manage to examine completely, but full information is not available in order to determine the obstacles because updated information from States and governmental and non-governmental international organizations is lacking.

103. The Working Group therefore decides that, for the purposes of the continuation of its work, Governments, international organizations and non-governmental organizations should be asked to provide the information requested in Commission on Human Rights resolution 1993/22.

104. More generally, and after having heard a number of international agencies and NGOs, the Working Group has the feeling that the Declaration on the Right to Development is little known. While the social aspects of development are well understood, integration of the Declaration on the Right to Development as a global process having political, economic, social, cultural and other similar dimensions is not adequately discernible in those organizations' programmes of activity. It also seems to the Working Group that the Declaration has only to a limited extent been incorporated into national development programmes, bilateral and multilateral development cooperation projects and the activities of international organizations. In the circumstances, the Working Group believes that it would be beneficial for the Declaration to be given wide dissemination and integrated into the various aspects of the policies and programmes of activity of these international organizations.

105. The Working Group also believes that its mandate falls within the framework of the "New Partnership for Development" ardently desired by the international community and concerning which there was consensus at the eighth United Nations Conference on Trade and Development. The Working Group's efforts will therefore be increasingly oriented in this direction, which is also that of the General Assembly and the Commission on Human Rights which have recommended the establishment of permanent machinery to follow up the implementation of the Declaration on the Right to Development. The Working Group concurs with that recommendation and views its future work in that perspective. Accordingly, the Working Group considers that the elaboration of

objective criteria for the assessment of progress in the implementation of the Declaration on the Right to Development should be among the prioritier in its future programme of work.

106. The Working Group considers that the necessary human and financial resources are not available to enable it to carry out its work satisfactorily.

B. Recommendations

107. The Working Group recommended that additional information be sought from Governments, international institutions, regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the international bodies which had not been able to be present at the first session, including the Department for Humanitarian Affairs and the International Organization for Migration. To this effect, it drew up preliminary guidelines and a checklist which would allow for the collection of relevant information from the various sources (see annex I).

108. Regarding its future programme of work, the Working Group thought it would be appropriate to hold two sessions in 1994. The first would follow the fiftieth session of the Commission on Human Rights and would take place in May 1994. The second session would be held in October 1994. The draft provisional agenda for those two meetings is annexed to the present report (see annex II).

109. It also recommended that a meeting be organized, prior to its second session, between its Chairman and the chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination in order to discuss their experience in matters of evaluation, criteria of performance and monitoring.

110. It further recommended that the Secretary-General be requested to provide the Centre for Human Rights with a unit specially designed to follow up on the Declaration and its implementation and to perform such tasks as giving logistical support to the Working Group; collecting and analysing replies from Member States, intergovernmental organizations and non-governmental organizations; presenting the results of the work on the right to development to regional or international meetings with development themes.

111. The Working Group recommended that the Assistant Secretary-General for Human Rights transmit a message, on the basis of the present report, to the members of the Administrative Committee on Coordination with a view to the right to development, in accordance with the Declaration on the Right to Development and in the sense given to it by the World Conference on Human Rights, becoming a major component of the programmes of their organization.

112. The Working Group recommended that the Executive Secretaries of the regional commissions be invited to one of its future sessions.

113. The Working Group recommended that Governments and international actors must be encouraged to incorporate the right to development into their national and international activities. However, this would require methods to be developed to define such standards as precisely as possible so that efforts towards achieving such standards could be pursued.

114. The Working Group recommended that the right to development be put on the agenda of forthcoming United Nations meetings, including those on population and development, the World Summit for Social Development and the Fourth United Nations Conference on Women, as well as on the agenda of the Commission for Sustainable Development. The Working Group recommended that particular emphasis should be placed on ensuring effective inter-agency cooperation between the United Nations agencies concerned with the role of women.

115. The Group recalled that, according to the Vienna Declaration and Programme of Action, non-governmental organizations and other grass-roots organizations active in development and/or human rights should be enabled to play a major role on the national and international levels in the debate, activities and implementation relating to the right to development, and in cooperation with Governments, in all relevant aspects of development cooperation.

Annex I

GUIDELINES AND CHECK-LIST TO FACILITATE RESPONSES OF GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS TO THE NOTE BY THE SECRETARY-GENERAL

The United Nations Working Group on the Right to Development seeks a dialogue with Governments and international bodies and organizations on what role and function the right to development could have in policies and programmes relating to development. The Working Group would therefore welcome contributions by Governments and international bodies and intergovernmental and non-governmental organizations and submits the following guidelines and check-list, which indicate the issues that the Working Group would like to raise in such a dialogue.

As reference material, attention is drawn to the following:

The Declaration on the Right to Development, adopted by the United Nations General Assembly in its resolution 41/128 on 4 December 1986;

The concept of sustainable development, as recognized in the Rio Declaration on Environment and Development, adopted on 14 June 1992 by the United Nations Conference on Environment and Development;

The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, in particular paragraphs I.10 and II.72;

The report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21).

In the conceptual framework of the Working Group on the Right to Development, the concept of development includes economic, technological, social, political, cultural and environmental aspects.

It is suggested that contributions should focus both on obstacles to the implementation and realization of the Declaration on the Right to Development, including obstacles that may have arisen recently, as well as the recent elimination of obstacles and on ways and means towards the realization of the right to development.

In the following check-list, section I is addressed to all Governments, whether or not their countries are considered as developing countries, developed countries or countries in a period of transition to democracy and a market economy.

Section II is addressed both to Governments representing donor and recipient countries and international bodies and organizations involved in development cooperation and section III to all intergovernmental and non-governmental bodies and organizations with a mandate of relevance for development.

I. NATIONAL POLICIES AND PROGRAMMES

What status has the right to development, including the Declaration on the Right to Development, been given in national development programmes and policies? What measures have been undertaken to implement the Declaration in actual practice? Has the Declaration been disseminated among the general public as well as national institutions charged with development policies and programmes and, if so, in what ways and in which languages? What are the ways and means to involve the private sector in strengthening the rule of law, democracy and popular participation, so as to foster the right to development? What obstacles have been encountered in the implementation and realization of the Declaration and what ways and means can be suggested towards the realization of the right to development through national policies and programmes?

In particular, what role does popular participation play in the realization of the right to development?

Are there specific policies and programmes to achieve equality of opportunity and full participation for all, in particular women, minorities and indigenous people, and vulnerable groups?

Are there national institutions specialized in development policies and programmes which have been given responsibilities in the realization of the right to development?

II. DEVELOPMENT COOPERATION

Does the right to development, as expressed in the Declaration on the Right to Development, on which the international community reached a new and significant agreement at the World Conference on Human Rights, play a specific role in the planning, carrying out and evaluation of development cooperation programmes and projects, and in the search for greater convergence among the United Nations, its specialized agencies and programmes, the institutions established following the Bretton Woods agreements and the regional organizations? If so, what obstacles have been encountered in this respect? Could the Declaration be given an enhanced role in strengthening the links between democracy, human rights and development, as suggested in the Vienna Declaration and Programme of Action?

III. INTERNATIONAL AND REGIONAL PROGRAMMES

Has the right to development, including the Declaration on the Right to Development, been raised and discussed in your organization, in particular in the context of development policies and programmes? If it has, how would you propose to effect its implementation in practice and what are the resources that could be allocated for this purpose? Is there a special administrative unit in place or under consideration to further the implementation of the right to development in the programmes of your organization? What are the main obstacles to the implementation and realization of the Declaration on the Right to Development and have there been any recent changes in this respect, including the elimination of old obstacles? Can you suggest ways and means in which progress in achieving the right to development could be assessed?

Annex II

DRAFT PROVISIONAL AGENDA FOR THE SECOND SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT, MAY 1994

1. Follow-up to the recommendations of the first session.

2. Procedure and methodology of work.

3. Implementation of the Declaration on the Right to Development by the international organizations.

DRAFT PROVISIONAL AGENDA FOR THE THIRD SESSION OF THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT, OCTOBER 1994

1. Follow-up to the recommendations of the first and second sessions.

2. Evaluation of the implementation of the Declaration on the Right to Development by Governments.

3. Evaluation of the contribution of non-governmental organizations to the implementation of the Declaration.

4. Cooperation between the Working Group and the treaty monitoring bodies.

5. Draft provisional agenda for the next session of the Working Group.

Annex III

ATTENDANCE

Members

Mr. Mohamed Ennaceur (Tunisia)

Mr. Alexandre Farcas (Romania)

Ms. Ligia Galvis (Colombia)

Mr. Stuart Harris (Australia)

Mr. Stéphane Hessel (France)

Mr. Serguei Kossenko (Russian Federation)

Mr. Osvaldo Martínez (Cuba)*

Mr. Niaz A. Naik (Pakistan)

Mr. D.D.C. Don Nanjira (Kenya)

Mr. H. Pedro Oyarce (Chile)

Mr. Pang Sen (China)*

Mr. A. Rimdap (Nigeria)

Mr. Allan Rosas (Finland)

Mr. Haron Bin Siraj (Malaysia)

Mr. Vladimir Sotirov (Bulgaria)

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* Did not participate at the first session.

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AUSTRALIA

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Mr. E. Perez del Solar

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Mr. G. Gorecica

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Mr. M. Elkarib

SYRIAN ARAB REPUBLIC

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Mr. A.-H. Salloum

Ms. A. Jarf

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URUGUAY

Mr. N. Chaben

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ECUADOR

Mr. A. Pinoargote

Mr. F. Riofrío

EGYPT

Mr. R. Bebars

Ms. A. El Etr

EL SALVADOR

Mr. C. Mendoza

Ms. M. Escobar

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Mr. J. Kubis

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Ms. E. Mrema

Non-member State represented by an observer

HOLY SEE

Mgr. C. Pierre

United Nations bodies

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Mr. P. Robineau

UNITED NATIONS DEVELOPMENT PROGRAMME

Mr. A. Français

UNITED NATIONS ENVIRONMENT PROGRAMME

Ms. F. Belmont

UNITED NATIONS POPULATION FUND

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UNITED NATIONS CENTRE FOR HUMAN SETTLEMENTS (HABITAT)

Mr. L. Ludvigsen

OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES

Mr. B. Gorlick

UNITED NATIONS NON-GOVERNMENTAL LIAISON SERVICE

Ms. B. Murebwayire

Specialized agencies

INTERNATIONAL LABOUR ORGANISATION

Mr. L. Swepston

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Ms. N. Brandstrup

WORLD HEALTH ORGANIZATION

Dr. S. Flache

Mr. S. Fluss

Ms. G. Pinet

Ms. A. Verhofstad

INTERNATIONAL MONETARY FUND

Ms. H. Junz

Mr. G. Taplin

Mr. P. Cirillo

Intergovernmental organizations

LEAGUE OF ARAB STATES

Mr. A. Harguem

ORGANIZATION OF AFRICAN UNITY

Mr. A. Bensid

Mr. D. Negousse

Non-governmental organizations

Category I

INTERNATIONAL COUNCIL OF VOLUNTARY AGENCIES

Mr. M. Arruda

Category II

AFRICAN ASSOCIATION OF EDUCATION FOR DEVELOPMENT

Mr. C. Eya-Nchama

AMERICAN ASSOCIATION OF JURISTS

Mr. A. Teitelbaum

CARITAS INTERNATIONALIS

Mr. M. Furic

FRIENDS WORLD COMMITTEE FOR CONSULTATION (QUAKERS)

Ms. C. Turner

INTERNATIONAL FEDERATION OF HUMAN RIGHTS

Mr. C. Grosse

INTERNATIONAL FEDERATION TERRE DES HOMMES

Ms. E. Kadjar-Hamouda

INTERNATIONAL INDIAN TREATY COUNCIL

Mr. M. Ibarra

INTERNATIONAL LEAGUE FOR THE RIGHTS AND LIBERATION OF PEOPLES

Ms. V. Graf

INTERNATIONAL MOVEMENT FOR FRATERNAL UNION AMONG RACES AND PEOPLES

Mr. C. Eya-Nchama

INTERNATIONAL SERVICE FOR HUMAN RIGHTS

Ms. M.-N. Little

Mr. M. Thomson

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Ms. J. Bruin

Annex IV

AGENDA

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Consideration of Commission resolution 1993/22: mandate of the Working Group

   (a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development;

   (b) To recommend ways and means towards the realization of the right to development by all States.

6. Follow-up of the Vienna Declaration and Programme of Action.

7. Consideration of the future work of the Working Group.

8. Adoption of the report.

Annex V

Documents issued for the first session of the Working Group on the Right to Development

Symbol	Title
E/CN.4/AC.45/1993/1	Provisional agenda
E/CN.4/AC.45/1993/1/Add.1	Annotations to the provisional agenda
E/CN.4/AC.45/1993/2	Declaration on the Right to Development: note by the secretariat
E/CN.4/AC.45/1993/3	Vienna Declaration and Programme of Action: note by the secretariat

Documents which were made available during the session

Documents of the Commission on Human Rights

E/CN.4/1334	The International dimensions of the right to development as a human right in relation with other human rights based on international cooperation, including the right to peace, taking into account the requirements of the new international economic order and the fundamental human needs: report of the Secretary-General
E/CN.4/1988/10	Report of the Working Group of Governmental Experts on the Right to Development
E/CN.4/1988/11	Popular participation in its various forms as an important factor in the development and in the full realization of all human rights: report of the Secretary-General
E/CN.4/AC.39/1989/1	Analytical compilation of comments and views on the implementation and further enhancement of the Declaration on the Right to Development prepared by the Secretary-General
E/CN.4/1989/10	Report of the Working Group of Governmental Experts on the Right to Development
E/CN.4/1990/8	Popular participation in its various forms as an important factor in development and in the full realization of all human rights: report of the Secretary-General

Documents of the Commission on Human Rights (continued)

Symbol	Title
E/CN.4/1990/9/Rev.1	Global Consultation on the Right to Development as a Human Right: report prepared by the Secretary-General
E/CN.4/1990/33	Analytical compilation of comments and views on the implementation and further enhancement of the Declaration on the Right to Development, prepared by the Secretary-General
E/CN.4/1991/12 and Add.1	Question of the realization of the right to development - comprehensive report of the Secretary-General
E/CN.4/1991/11	Study regarding the question of the extent to which the right to popular participation has been established and has evolved at the national level: report of the Secretary-General
E/CN.4/1992/10	Report of the Secretary-General on the effective implementation of the Declaration on the Right to Development, submitted in accordance with Commission resolution 1991/15
E/CN.4/1993/16	Concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development: report of the Secretary-General

Documents of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

E/CN.4/Sub.2/1989/19) 1990/19) 1991/17) 1992/16)	Study by Mr. Danilo Türk, Special Rapporteur, on the realization of economic, social and cultural rights
E/CN.4/Sub.2/1993/18/Add.1	List of documents relating to economic, social and cultural rights issued in the preparatory process of the World Conference

Documents prepared for the
World Conference on Human Rights

Symbol	Title
A/CONF.157/PC/60/Add.2	On the relation between development and the enjoyment of all human rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights, by Mr. Hubert Wieland Conroy
A/CONF.157/PC/60/Add.3	Poverty, marginalization, violence and the realization of human rights, by Mr. Paulo Sergio Pinheiro with the collaboration of Ms. Malak El-Chichini and Mr. Tulio Kahn
A/CONF.157/PC/61/Add.13	Note by the Secretary-General transmitting a report entitled "Human rights, democracy and development: lessons from the field", prepared for the World Conference on Human Rights by the United Nations Development Programme and the Centre for Human Rights
A/CONF.157/PC/63/Add.2	Note verbale dated 16 October 1992 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights, transmitting a paper on the right to development written by the President of the Iraqi Human Rights Association
A/CONF.157/PC/63/Add.8	Contribution by the American Association of Jurists entitled "Criminalization of violations of the right to development and economic, social and cultural rights"
A/CONF.157/PC/66 and Add.1	Contribution by the Council of Europe, entitled "Human rights at the dawn of the 21st century"
A/CONF.157/PC/73	Report of the Seminar on Appropriate Indicators to Measure Achievements in the Progressive Realization of Economic, Social and Cultural Rights (Geneva, 25-29 January 1993)

Documents prepared for the
World Conference on Human Rights
(continued)

Symbol	Title
A/CONF.157/PC/75	Contribution from the International Centre for Human Rights and Democratic Development, entitled "Human rights, democracy and development"
TD/364	Report of the United Nations Conference on Trade and Development on its eighth session
Human Development Report (1992) Human Development Report (1993)	United Nations Development Programme

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Item 9 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Situation in occupied Palestine

Report of the Secretary-General

1. At its forty-ninth session the Commission on Human Rights adopted resolution 1993/4, entitled "Situation in occupied Palestine". By this resolution, the Commission, inter alia, called upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the Palestinian and other Arab territories which it had occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions. It requested the Secretary-General to transmit the resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fiftieth session, all information pertaining to the implementation of the resolution by the Government of Israel.

2. In accordance with these requests, the Secretary-General on 19 March 1993 addressed a note verbale to the Minister for Foreign Affairs of Israel and to all other Governments requesting information pertaining to the implementation of the resolution by the Government of Israel.

3. The Department of Public Information undertook the activities enumerated in document E/CN.4/1994/12, paragraph 4.

4. No reply from Israel had been received at the time of the preparation of the present report.